

Order 97-3-24

Served: March 24, 1997

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

**Issued by the Department of Transportation
on the 6th day of March, 1997**

Applications of	:	
	:	
Continental Airlines, Inc.	:	Dockets OST-96-1648
	:	
Delta Air Lines, Inc.	:	OST-96-1874
	:	
Hawaiian Airlines, Inc.	:	OST-96-1977
	:	
North American Airlines, Inc.	:	OST-96-1531
	:	
TEM Enterprises d/b/a Casino Express	:	OST-96-1886
	:	
USAir, Inc.	:	OST-95-656
	:	
for certificates of public convenience and necessity under	:	
section 41102 of Title 49 U.S.C. and the orders and	:	
regulations of the Department of Transportation	:	

ORDER ISSUING CERTIFICATES

The captioned applicants seek grant, renewal, and/or amendment of certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code. The applications are fully described in the attachments to this order. Because the public convenience and necessity bases for granting these applications are clear, and the applications are not controversial, it is appropriate to use this simplified, Subpart Q procedures to grant the requested authority.¹

¹ 14 CFR 302.1701 et seq. Under Rule 29(b) we may, in our discretion, omit a tentative decision in proceedings under Subpart Q and proceed directly to a final decision.

The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.1705. Each application was summarized in the Federal Register, as cited in the relevant descriptive attachment, and was also summarized in the Department's published weekly list of applications filed. These notices described the authority sought and gave interested persons an opportunity to submit evidence and objections to the award of the authority. Except as noted in individual attachments, no answers to these applications were filed.

Public Convenience and Necessity

We find that grant or amendment of these certificates is consistent with the public convenience and necessity. Where, as noted, the services authorized are the subject of a bilateral agreement, the certificate is consistent with the agreement and uses rights for which the United States has exchanged valuable operating rights. For authority which is not the subject of a bilateral agreement, the grant is consistent with the overall state of aviation relations between the United States and the foreign countries involved. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers.

Fitness/Citizenship

Each applicant is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Each is an operating certificated air carrier for which the authority at issue here would not constitute a substantial change in operations which would require further review by the Department. No information has come to our attention which leads us to question the fitness of the applicants to conduct air transportation operations. Therefore, on the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we find each applicant is fit, willing and able to provide the services authorized.

Terms, Conditions and Limitations

Each certificate of public convenience and necessity is subject to the standard terms, conditions, and limitations we consistently impose in the public interest. Duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, the certificates are of indefinite duration. Where limited-entry routes are involved, we issue temporary, experimental certificates of five years' duration under 49 U.S.C. 41102(c).² The certificates issued to Delta and USAir are granted for a five-year term; the

² 14 CFR Part 399.120.

certificates issued to Continental, Hawaiian, North American and TEM Enterprises d/b/a Casino Express are for an indefinite duration.

Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under 49 U.S.C. 41307. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, upon the effectiveness of the corresponding certificates of public convenience and necessity. The attachments cite the relevant currently held authority.

Findings and Conclusions

In view of the foregoing and all the facts of record, we find and conclude that:

1. It is consistent with the public convenience and necessity to amend or issue each applicant a certificate in the form attached;
2. Each applicant is a citizen of the United States and is fit, willing and able to perform properly the foreign air transportation described in the attached certificate or certificate amendment and to conform to the provisions of Subtitle VII of Title 49, United States Code (Transportation), and to the Department's rules, regulations, and requirements;
3. The public interest requires that the exercise of the privileges granted by the attached certificates and certificate amendments be subject to the terms, conditions and limitations contained in and attached to those certificates and to such others required by the public interest as the Department may prescribe;
4. Except as otherwise noted in the attachments, the issuance of each of these certificates and certificate amendments does not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department's regulations;³ and

³ Our finding is based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

5. The public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

ACCORDINGLY,

1. We amend or issue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;
2. The certificates and certificate amendments will be effective 30 days after the service date of this order, subject to the extension of those effective dates in accordance with the provision of the certificate amendments;
3. To the extent not granted, dismissed or deferred, we deny all motions and requests in these dockets;
4. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;⁴ and
5. We will serve this order on the parties to the captioned dockets of this order, the Ambassador in Washington, DC of each country that the applicants seek authority to serve, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation and
International Affairs

(SEAL)

⁴ This order was submitted for section 41307 review on March 6, 1997. On March 18, 1997, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

Continental Airlines, Inc.

Certificate of Public Convenience and Necessity

Filed: 8/14/96 **Docket:** OST-96-1648 **Notice:** 61 FR (43803) 8/26/96

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States and a point or points in the United Kingdom, excluding London's Heathrow and Gatwick Airports, and to integrate this authority with its existing certificate and exemption authority.

II. Relevant Currently Held Authority: Continental holds certificate authority to engage in scheduled foreign air transportation of persons, property, and mail between Houston, Texas; and Newark, New Jersey; and Cleveland, Ohio, on the one hand, and London, England, on the other. Orders 90-6-44, 93-2-34, and 96-12-25. It also holds exemption authority to provide service in the Newark-Manchester and Newark-Aberdeen/Dundee/Edinburgh/Glasgow markets. Orders 96-3-17 and 96-10-36.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the U.S.-U.K. Air Services Agreement and the U.S.-U.K. Memorandum of Consultations dated June 5, 1995, which is being applied on the basis of comity and reciprocity. Consistent with our standard practice to afford carriers the maximum operating flexibility possible, we will grant Continental the authority to integrate the above authority with its existing certificate and exemption authorities. The route integration authority is subject to the provisions of the aviation agreements between the United States and the foreign countries involved.

V. Fitness/Citizenship: Continental has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 96-10-44. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question Continental's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will issue Continental's certificate for an indefinite period. Under the June 5, 1995, Memorandum of Consultations between the United States and the United Kingdom, U.S. carriers are able to serve between any point in the United States and any point in the United Kingdom (except Heathrow and Gatwick). Thus, there is no need to limit the duration of Continental's certificate. We will also add a new condition regarding route integration in limited entry markets.

VII. Duration: Indefinite.



Certificate of Public Convenience and Necessity for

Route 733

This Certifies That

Continental Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-3-24
On March 6, 1997
Effective on April 23, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Continental Airlines, Inc. for **Route 733**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail between:

A point or points in the United States and a point or points in the United Kingdom (except London's Heathrow and Gatwick Airports).

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purposes of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

- (7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204(n)), it must first comply with the requirements of 14 CFR 204.5.
- (8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.
- (9) The holder may combine services on this certificate with its existing certificate and exemption authorities provided that any service under this certificate shall be consistent with all applicable agreements between the United States and the foreign countries involved; and provided further, that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in the holder’s authority by virtue of the route integration authority granted here, but that are not then being used by the holder, the holding of such authority by route integration will not be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

This certificate shall become effective April 23, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect new authority between any point(s) in the United States. and any point(s) in the United Kingdom (except London’s Heathrow and Gatwick Airports) for an indefinite duration.

Delta Air Lines, Inc.
Renewal and Amendment of Certificate for **Route 515**

Filed: 10/16/96 **Docket:** OST-96-1874 **Notice:** 61 FR (55352/53) 10/25/96

I. Authority Sought: (1) Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between Portland, Oregon, and Tokyo, Japan, and to combine this authority with its U.S.-Korea certificate authority without local traffic rights in order to provide nonstop service between Portland and Seoul via Tokyo, and (2) amend certificate to integrate this authority with its existing certificate and exemption authority.

II. Relevant Currently Held Authorities: Delta holds certificate authority on Route 515 to provide scheduled foreign air transportation of persons, property, and mail in the Portland-Tokyo market and to combine that authority with its U.S.-Korea authority on Route 152. Order 92-3-41. Under the terms of the certificate Delta's authority will expire on April 18, 1997. Delta filed a timely application for renewal of its certificate.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreements between the United States and Japan and the United States and Korea. Consistent with our standard practice to afford carriers the maximum operating flexibility possible, we will grant Delta the authority to integrate its Portland-Tokyo authority with its existing certificate and exemption authority. The route integration authority is subject to the provisions of the aviation agreements between the United States and the foreign countries involved.

V. Fitness/Citizenship: Delta has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-10-44. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Delta's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will reissue Delta's certificate for Route 515 to reflect renewal of the authority for an additional five years and to add a new condition regarding route integration in limited-entry markets.

VII. Duration: Five years. Section 41102(c).



**Experimental Certificate
of Public Convenience and Necessity
for
Route 515
(as reissued)**

This Certifies That

Delta Air Lines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-3-24
On March 6, 1997
Effective on April 23, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Delta Air Lines, Inc. for **Route 515**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between the terminal point Portland, Oregon, and the terminal point Tokyo, Japan.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.
- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(9) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(10) The holder may combine on a single flight services between Portland, Oregon, and Tokyo, Japan authorized on this certificate with services between the United States, on the one hand, and Korea, on the other hand, authorized on its certificate for Route 152, so as to provide one-stop service between Portland and Seoul, Korea, via Tokyo, subject to the condition that no local traffic be carried between Tokyo and Seoul.

(11) The route integration authority granted is subject to the condition that any service under this certificate shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in the holder's authority by virtue of the route integration certificate granted but that are not being used by the holder, the holding of such authority by route integration will no be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier (s) should be entitled to use the authority at issue.

*As reissued by
Order 97-24
Route 515
Page 3 of 3

This certificate shall become effective April 23, 1997, provided, that prior to the date on which this certificate would otherwise become effective, the Department either on its own initiative or on the timely filing of a petition for reconsideration, may by order or orders extend such effective date from time to time. It shall expire five years thereafter, unless the Department earlier suspends, modifies or deletes the authority.

*This certificate, last reissued by Order 92-3-31, is reissued to reflect renewal of the authority for an additional five years. The reissued certificate also incorporates revised standard terms and conditions applicable to U.S. carriers.

Hawaiian Airlines, Inc.

Certificate of Public Convenience and Necessity

Filed: 11/20/96 **Docket:** OST-96-1977 **Notice:** 61 FR (64188/89) 12/3/96

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between any point in the United States and any point in Canada.

II. Relevant Currently Held Authority: Hawaiian currently holds certificate authority to engage in scheduled foreign air transportation of persons, property, and mail between Honolulu and various points in the South Pacific and Asia. Orders 91-4-3 and 81-1-30.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Canada signed on February 24, 1995.

V. Fitness/Citizenship: Hawaiian has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 91-4-3. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question Hawaiian's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard.

VII. Duration: Indefinite.



Certificate of Public Convenience and Necessity for

Route 734

This Certifies That

Hawaiian Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-3-24
On March 6, 1997
Effective on April 23, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Hawaiian Airlines, Inc. for **Route 734**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between any point in the United States and any point in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purposes of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Except for rights and authorities available or existing prior to February 24, 1995, and operations separately authorized by the Department pursuant to the U.S.-Canada Air Transport Agreement signed February 24, 1995, the holder may not commence new combination air services to Toronto until February 24, 1998.

(10) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000 pounds.

(11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective April 23, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect new authority to serve the U.S.-Canada market. It also incorporates new standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.

North American Airlines, Inc.

Certificate of Public Convenience and Necessity

Filed: 7/10/96 **Docket:** OST-96-1531 **Notice:** 61 FR (37788)
7/19/96

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, and the terminal points Brussels, Belgium, and Copenhagen, Denmark.

II. Relevant Currently Held Authority: North American holds certificate authority to engage in scheduled interstate transportation of persons, property, and mail and worldwide charter authority. Order 90-1-46.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreements between the United States and Belgium and between the United States and Denmark.

V. Fitness/Citizenship: North American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled interstate air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 90-1-46. The foreign air transportation services authorized here are not markedly different in terms of aircraft size or stage length from the carrier's current international charter operations under its existing certificate authority. In these circumstances, we find that the foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question North American's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard.

VII. Duration: Indefinite.



Certificate of Public Convenience and Necessity for

Route 735

This Certifies That

North American Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-3-24
On March 6, 1997
Effective on April 23, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

North American Airlines, Inc. for **Route 735**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between a point or points in the United States, and the terminal points
Brussels, Belgium, and Copenhagen, Denmark.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective April 23, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect new authority in the U.S.-Brussels and U.S.-Copenhagen markets.

Certificate of Public Convenience and Necessity

TEM Enterprises d/b/a Casino Express

Filed: 10/22/96 **Docket:** OST-96-1886 **Notice:** 61 FR (56603) 11/1/96

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between any point in the United States and any point in Canada.

II. Relevant Currently Held Authority: Casino Express holds a certificate to engage in scheduled interstate transportation of persons, property, and mail and worldwide charter authority. Order 91-7-3.

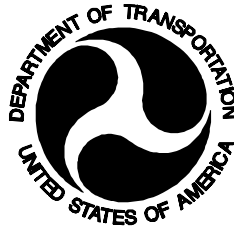
III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Canada signed on February 24, 1995.

V. Fitness/Citizenship: Casino Express has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled interstate air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 91-7-3. The foreign air transportation services authorized here are not markedly different in terms of aircraft size or stage length from the air transportation services the carrier is currently providing in its scheduled interstate and charter operations. In these circumstances, we find that the foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question Casino Express' fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard.

VII. Duration: Indefinite.



Certificate of Public Convenience and Necessity for

Route 736

This Certifies That

TEM Enterprises d/b/a Casino Express

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-3-24
On March 6, 1997
Effective on April 23, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

TEM Enterprises d/b/a Casino Express for **Route 736**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between any point in the United States and any point in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purposes of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Except for rights and authorities available or existing prior to February 24, 1995, and operations separately authorized by the Department pursuant to the U.S.-Canada Air Transport Agreement signed February 24, 1995, the holder may not commence new combination air services to Toronto until February 24, 1998.

(10) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000 pounds.

(11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective April 23, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect new authority to serve the U.S.-Canada market. It also incorporates new standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.

USAir, Inc.

Certificate of Public Convenience and Necessity

Filed: 9/14/95 **Docket:** OST-95-656 **Notice:** 60 FR (49659) 9/26/95

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between Philadelphia, PA; and Boston, MA; on the one hand, and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, on the other.

II. Relevant Currently Held Authority: USAir holds certificate authority to engage in scheduled foreign air transportation of persons, property, and mail between various points in the United States, on the one hand, and the Caribbean, Central America, London, Italy, and Germany, on the other (Orders 92-4-49, 92-10-58, 94-6-5, and 96-4-23. USAir also holds exemption authority in the Philadelphia/Boston-Spain markets. Order 96-1-4.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Spain.

V. Fitness/Citizenship: USAir has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 96-7-18. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question USAir's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard.

VII. Duration: Five years. Section 41102(c).



**Experimental Certificate
of Public Convenience and Necessity
for
Route 737**

This Certifies That

USAir, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-3-24
On March 6, 1997
Effective on April 23, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

USAir, Inc. for **Route 737**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between the coterminal points Philadelphia, Pennsylvania, and Boston, Massachusetts, and the coterminal points Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain.

The authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.
- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(9) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective April 23, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time. It shall expire five years thereafter, unless the Department earlier suspends, modifies or deletes the authority.

*This certificate is issued to reflect new authority in the Philadelphia/Boston-Spain markets.

